In The

Supreme Court of the United States

United States of America, and;
State of California, and;
ex rel. Miro J. Satalich,
Petitioner(s),

v.

City of Los Angeles
Respondent.

On Petition For Writ Of Certiorari to the United States Court of Appeals for 9th Circuit

PETITION FOR WRIT OF CERTIORARI

Miro J. Satalich, Pro se
P.O. Box 93314
Phoenix, Arizona 85070-93314
(480) 283-0355

QUESTIONS PRESENTED

I. Did the Appellant, as a City of Los Angeles employee, being harassed for reporting fraud, have the legal right, in accordance with Federal Rules of Civil Procedure, IV. Parties, Rule 24, to intervene into CV-77-3047HP, a consent decree, where federal and state funds are being used, to file a Title U.S.C. 31 § 3730(h) claim?

II. Pursuant to Federal Rules of Civil Procedures, did the Defendant City of Los Angeles have a legal obligation to respond to the Appellant's Motion and Complaint in intervention?

III. The records show, the City of Los Angeles was properly served numerous times, yet did not respond, and/or was allowed by the Court to respond late even in a "show cause" as to why default and default judgment should not be awarded to the Appellant?

IV. As an Appellate Judge presiding over a District Court case, and overseeing a Consent Decree, for more than 20 years, have an obligation to hear Appellant's Title 31 U.S.C. § 3730(h) Motion and Complaint for harassment, or was he obligated to pass it down to be heard by a lower C urt?

PARTIES

United States of America, and; State of California, and;
ex rel. Miro J. Satalich
Appellant, Petitioner,

v. CV-04-9391-GAF-(PLAx)

City of los Angeles
Respondent.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases **Page**

Other Authorities:

Petitioner Miro J. Satalich respectfully prays that this Court grants a writ of certiorari to review the judgment and opinion of the United States Court of Appeals for the Ninth Circuit entered on September 23, 2005, and mandate issued on October 21, 2005 in Appeal **No.: 05-55483**.

OPINIONS BELOW

The September 23, 2005 opinions of the court of appeals are set out at **Appendix-A**, and mandate dated October 21, 2005 at **Appendix-B** to the Petition.

JURISDICTION

The decision of the court of appeals was entered on September 23, 2005. The jurisdiction of the Court is invoked pursuant to Title 28 U.S.C. § 1254.

STATUTES AND REGULATIONS INVOLVED

In accord with Title 28 U.S.C. §§ 1253, and 2101(e), this action, being a Title 31 U.S.C. § 3730(h) that being a section of a Congressional Act, thereby, falls squarely under U.S. Supreme Court Rule 11. Also, other statutes and regulations involved are Title 28 §§ 47, and 291, sections of the Federal Rules of Civil Procedures, and the California Codes Code of Civil Procedure section 416.10-416.90 (416.50(a)(b)),

STATEMENT OF THE CASE

I.

From March 30,1987 to June 22, 2000 the Appellant was a City of los Angeles employee, believes, that for the years of being harassed for reporting fraud and waste to City government, and pursuant to Title 31 § 3730(h), and Federal Rules of Civil Procedures Rule 24, said Appellant had a

substantive right to intervene into Case No.: CV-3047HP, *USA v. City of Los Angeles*. Taking into account that at that point in time, three and six years was the established norm for statute of limitations for § 3730(h) claims. Since then, *Graham County Soil & Water Conservation District et al. v. United States ex rel. Wilson No. 04-169. Argued April 20, 2005 - Decided June 20, 2005* established otherwise, but because of dates should not impact this case. Also, intervention was proper because the City was already in a civil action, and in accordance with Title 31 U.S.C. § 3730(e)(3), barred persons from filing a qui tam § 3729 et seq. claim. In the March 19, 1999 intervention, to be made whole, the Appellant asked for all elements within title 31 U.S.C. § 3730(h), and 1.5 million in damages. Further, after filing the March 19, 1999 intervention, the Appellant discovered evidence of Appellate Judge Harry Pregerson being in intrajudicial and extrajudicial conflict of interest with the City of Los Angeles which explained his remaining silent to protect the City. He closed CV-77-3047HP on the same day of filing the second much larger intervention, by backdating to August 7, 2000. The Appellant yet discovered more extrajudicial evidence of Appellate Judge Harry Pregerson's conflict of interest with the City of Los Angeles that merited a " **Petition the Court to reopen CV-77-3047 to hear this noticed show cause as to why Default Judgment should not be awarded to the Plaintiff,**" that was filed on November 8, 2004, hence, the cause for this petition. **See Appendix-G, Time Line**. Because of non response in the March 19, 1999 default and default judgment, the Appellant pled for the same award, with the exception of monetary interest in the "**Show Cause**" filing of November 8, 2004.

THE REASON FOR GRANTING THE WRIT

The Appellant believes, that pursuant to the Court Docket Record of CV-77-3047, and Title 28 U.S.C. §§ 47, and 291(a)(b), Appellate Judge Harry Pregerson **was never** given permission by the 9th Circuit Chief Judge, or from the Chief Justice of the U.S. Supreme Court **to sit temporary for more than twenty years** to hear CV-77-3047. Clearly, on November 2, 1979, when Judge Pregerson was elevated to the 9th Circuit Court of Appeals, **the Docket record shows no note of, no mention of, or that he was to remain on, designated, and/or assigned to supervise CV-77-3047 for more than twenty years**.

See Appendix-C. Further, other than loose rhetoric, the Defendant, City of Los Angeles, as well as District Judge Gary A. Feess did not provide any material evidence in CV-04-9193GAF to substantiate Appellate Judge Harry Pregerson having authority to sit on CV-77-3047 for more than twenty years, let alone to hear interventions or other pleadings into same.

The overwhelming evidence presented shows a definitive conflict of interest between Appellate Judges Harry Pregerson, U.S. District Court Gary A. Feess, and the City of Los Angeles, to stifle and silence the Appellant in these lawsuits.

In **05-55483**, dated June 30, 2005, titled "**Brief of Appellee**," the City's "**Proof of Service**" was unattested/unsigned, and they also **failed to serve** the U.S.A, and State of California, but made it a point to serve a copy to Judge Gary A. Feess!

See footnote[1]. After filing the intervention on March 19, 1999, evidence surfaced in the Appellant's Workers' Compensation case, No.: LBO 264930 to the effect that Appellate Judge Harry Pregerson, along with all City officials, and EPA (Felicia Marcus) were aware of the Appellant being harassed, yet, **all remained silent**.

See Appendix-C. In Judge Gary A. Feess's dismissal order, Docket No. 30, he used denigrating phrases such as "**novel theory**," "**absurd results**," "**puzzling**," **bizzare argument**." Yet he accepted Defendant's filings of non-legal terms of "**Special Appearance**," and "**instant motion to dismiss**" not found anywhere in the Federal Rules of Civil Procedures, and also **acted as counsel for the Defendant**.

Further, the District Court accepted the City's behavior of filing **unattested/unsigned** to **Proof of Service**, in CV-00-08882GAF, which carried over into CV-04-9193GAF, and was then again accepted into the 9th Circuit of Appeals. Two documents, namely filed into Docket No.: **05-55483,** and entered on **4/15/05** and **7/1/05**, clearly indicate, as was done by the District Court, that the 9th Circuit Appellate **accepted** and **ruled on illegally filed documents**. The double standard is, if the same was done by the Appellant (being pro se), the case would be immediately tossed in favor of the Appellee.

---

[1] By Court Reporter F. Tsuda. Place and time: Long Beach, California; December 21, 1999; 10:00 a.m.. This summary of court transcripts was certified to be true, by the Honorable Charles Williams, Workers' Compensation Administrative Judge, State of California. (In part) Focusing on page (37), 12, lines 13.5 to 15: ***"From 1990 through 1995, the plant manager was John Crosse. Applicant's complaints reached John Crosse, the executive division, the EPA, and Judge Pregerson and many others."***

Also, 9th Circuit Unpublished Dispositions Date Filed 09/23/2005 shows: Appellate Judges **Stephen Reinhardt**, **Pamela Rymer**, and **Michael Hawkins** heard and ruled on 16 cases, two being the Appellant's without oral argument. Additionally, on 09/23/2005, Judges Reinhardt and Hawkins heard and ruled on two other cases with two other judges. Clearly, not **Article III Judges**, but instead, rubber-stamped rulings, without oral argument or merits of the case being heard or considered.

QUESTIONS PRESENTED TO THE COURT

I.

Did the Appellant, as a City of Los Angeles employee, being harassed for reporting fraud, have the legal right, in accordance with Federal Rules of Civil Procedure, IV. Parties, Rule 24, to intervene into CV-77-3047HP, a consent decree, where federal and state funds are being used, to file a Title U.S.C. 31 § 3730(h) claim?

Refer to Title 31 U.S.C. § 3729 et seq. Because of language within § 3730(e)(3), and the ACD, the Appellant believed he was barred from filing a qui-tam action. However, on March 19, 1999, well within three and six-year statutes of limitations of § 3730(h), filed an intervention into CV-77-3047HP. (**See Appendix-E items' #322, and #324**) all parties were properly served. The Appellant is informed and believes, that in accordance with Federal Rules of Civil Procedures, Pleadings and Motions, Rules 7, thru 15, the City of Los Angeles was obligated to respond and/or object to the Appellant's **motion** to enter CV-77-3047HP, but as shown on the record, did neither. Moreover, the Appellant is informed and believes the Court, or Appellate Judge Harry Pregerson, who was overseeing CV-77-3047HP, was obligated to rule one way or the other, if the Appellant was allowed to enter, however, **Judge Harry Pregerson remained silent**

The questions presented to the Court:

(A) Did the Appellant have, pursuant to Title 31 U.S.C. § 3730(h), and FRCP Rule 24, a legal right to intervene into CV-77-3047HP?

(B) Was 9th Circuit Appellate Judge Harry Pregerson legally obligated to rule and hear the Appellant's complaints or should Appellate Judge Harry Pregerson, instead of remaining silent, have passed the intervention down to a District Judge to hear the harassment 31 U.S.C. § 3730(h) complaint?

II.

"Pursuant to Federal Rules of Civil Procedures, did the Defendant City of Los Angeles have a legal obligation to respond to the Appellant's Motion and Complaint in intervention filed on March 19, 1999?"

The Court Docket Record shows (**Appendix-E, item #321**) and letter dated September 15, 2000, (**Appendix-F**) from Richard F. Janisch, Manager of Court Operations stated twice, the "**motion**" was "**filed**" and "**proposed complaint**" was "**lodged**." Therefore, the Appellant contends, pursuant to FRCP, of Pleadings and Motions, III, Rules 7 thru 15, the City of Los Angeles was obligated by law to respond and/or object to the Appellant's "**motion**," which the record shows, they did not do, and therefore, in accord with FRCP, rule 55 was in default.

Question to the Court:

(1) Was the City of Los Angeles, pursuant to the clear language of the FRCP Pleadings and Motions, III, Rules 7 thru 15 obligated to respond? The Appellant believes the City was!

(2) By failing to respond to the "motion, " was the City of Los

Angeles pursuant to FRCP, Rule 55 in default?

III.

"The records show, the City of Los Angeles was properly served numerous times, yet did not respond, and/or was allowed by the Court to respond late, even in CV-04-9193GAF "**show cause**" as to why default and default judgment should not be awarded to the Appellant?"

See Footnote[2]. Court record shows, the City of Los Angeles, and all other parties, were properly served. in CV-04-9193GAF, the City of Los Angeles was served twice (**see Docket Entries #4 and 14, 15, 16, and 17**). Docket #4 shows the City was served on 11/12/2004, with the answer due 12/2/2004. The City **did not respond**, claiming they were not properly served, stating the service should have been sent to the "**Mayor or City Clerk**," and **not the City Attorney**. (See Docket #12) On 12/20/2004, and because the Appellant filed for **Default** and **Default Judgment**, the City finally responded, in the non-legal term of " **Special Appearance**." I disagree, and believe the Court made an erroneous ruling, that forced the Appellant into additional expense to have to re-serve all parties a second time, with the City being allowed to stall and also **respond late** in the second serving with impunity.

---

[2] **California Code of Civil Procedures**

416.50. (a) A summons may be served on a public entity by delivering a copy of the summons and of the compiaint to the clerk, secretary, president, presiding officer, or other head of its governing body.

(b) As used in this section, "public entity" includes the state and any office, department, division, bureau, board, commission, or agency of the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in this state.